

timore city who has last spoken (Mr. Cushing) has made some allusion to the law as it exists in other countries; and for the benefit of him and the gentleman from Caroline (Mr. Todd) I will now say that inasmuch as they are so anxious to incorporate the proposed amendment of the gentleman from Baltimore city (Mr. Stirling) into the Constitution of Maryland, that if he wants to make it conform to the Federal Constitution, he should vote for the amendment offered by the gentleman from Prince George's, (Mr. Clarke,) narrowing down and restricting the forfeiture for treason to the life of the offender only. Now what has been the legislative exposition of this provision of the Constitution? It is doubtless known to many members present that in 1790 Congress passed an act in which they expressly said under this provision of the Constitution that it should not work corruption of blood or forfeiture beyond the life of the party convicted, and declared the punishment of treason to be simply death by hanging. [Act of 13th April, 1790, ch. 36.]

To come down to England and other countries to which reference has been made by the gentleman from Baltimore city, (Mr. Cushing,) how do we find the law there? Have they not long since, under the influence of the progress and advancement of the age in which we live, wiped out this thing from their statute books? I believe a century ago a statute was passed in the reign of some one of the sovereigns of England, (whose name I cannot now recall,) narrowing down and restricting this forfeiture to the life of the party offending. Even in England now the descendants of the party convicted have not visited upon their heads any of the sins of the traitor. There has been some recent legislation in our own country on this subject, which I commend particularly to the attention of my friend from Howard, (Mr. Sands,) who professed yesterday to be such a warm supporter of the present head of the country, who said that he was a Lincoln man, that he was for "Old Abe." Has it escaped his memory that Congress in 1862 passed a law confiscating the estates of rebels, and forfeiting them for a longer period than the life of the offenders, and that the President of the United States took the opposite ground upon this provision of the Constitution to that which he now takes, and refused to sign the bill until Congress had passed the explanatory resolution of July 17, 1862, in which they use these words:

"Nor shall any punishment or proceedings under said act be so construed as to work a forfeiture of the real estate of the offender beyond his natural life."

What is proposed to be done here to-day? To go on in the path of advancement in which we have entered, and to tread no step backward? No, sir. It is gravely proposed

to inaugurate and engraft on our organic law a principle which has been long since discarded by the intelligence of the whole civilized world? I am not disposed, I do not feel that I would be justified in consuming the precious time of the Convention by entering into any argument to convince gentlemen how unfounded in reason, how unjust in its operation would be the proposed amendment of the gentleman from Baltimore city, (Mr. Stirling.)

For two days last week, and I think part of a third, the echoes of this hall resounded with the eloquence of gentlemen—the member from Baltimore city (Mr. Stirling) leading the advance, and my friends from the other side of the chamber following in his footsteps, in language loud and vehement, against the right of the Legislature of Maryland to impose a capitation tax, as "grievous and oppressive." These words resounded in our ears many a time, and not many of us will soon forget how grievous and oppressive it was said to be for the Legislature to impose a capitation tax. I agreed with these gentlemen, and although my views were not expressed to the Convention, they were expressed upon the records of the Convention, which will show my vote recorded with the majority upon every one of the propositions introduced upon that subject looking to the retention in the Constitution of the restriction on the Legislature covered by the amendment that was introduced by the gentleman from Harford (Mr. Galloway) and afterwards adopted by the Convention.

I put it now to gentlemen, if that was the case; if the terms grievous and oppressive could be then used with truth, what language known to the English vocabulary shall I adopt to express in terms fit and becoming the proposition now before us. Is it not monstrous? Is it not opposed to all principles of right and justice? The innocent child, irresponsible being—the wife, who perchance at one time has whispered in his ear salutary words of warning against the traitorous course upon which he was about to embark. Are we to visit upon them the crime of the erring husband and father? This question goes further. You put the seal of condemnation not only upon the wife and innocent child, but upon the child yet sleeping in its mother's womb. Ere that child has seen the light you fix upon its innocent head the seal of condemnation. Yes, sir; this rule would extend its operation to posthumous children. The day they come into being after the death of their parent, they would have a share in the inhumanity which the gentlemen who advocate this amendment are seeking to engraft upon this Magna Charta of our rights.

I do not propose to go any more at length into these topics. I am content to let this proposition stand in the Constitution as it was adopted in 1850. If the majority of the